



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 9, 2020

BY CM/ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Anilesh Ahuja et al.
S1 18 Cr. 328 (KPF)

Dear Judge Failla:

The Government respectfully writes in response to the defendants' October 1, 2020 letter requesting 13 categories (and subcategories) of additional information from the Government regarding the document review conducted by AUSA Karl Metzner, and the defendants' October 2, 2020 letter requesting a hearing in this case. (Dkt. 409).

In their July 6, 2020 letter to the Court, the defendants argued that the Government "should be required to produce documents to test its claims of good faith and honest mistakes, and, just as importantly, to complete the factual record so that the defendants can evaluate what relief they may wish to seek." (Dkt. 385, at 26). The Government thus agreed to conduct a broad and exhaustive review of its files (the "Review"). Over approximately two months, AUSA Karl Metzner, a Deputy Chief of Appeals who was not part of the trial team,¹ reviewed nearly 10,000 communications, many of which were internal communications between prosecutors on the trial team.

On September 24, 2020, the Government produced the results of the Review to the Court and the defendants — approximately 42 emails, certain text messages, and phone records. As noted in the Government's letter dated September 24, 2020, those results provide no basis for additional discovery or relief, nor any basis to undermine confidence in the jury's verdict. (Dkt. 406). The Government's September 24 letter also included a six-page, detailed description of the Review, specifying the search terms that AUSA Metzner employed, the date ranges of the materials that he searched, and other circumstances of the Review, as well as the materials that AUSA Metzner used to inform his determinations as to what documents to produce, including letters that the defendants submitted to the Court and to the Government, arguments that the defendants made to the jury, and transcripts of Court conferences. (Dkt. 406 at 2 n.1).

¹ The defendants requested that a Deputy Chief of Appeals conduct the Review.

² Should the Court want additional information about the Review conducted by AUSA Metzner, the Government is of course prepared to provide it to the Court in any form that would aid the Court.